

HOUSE BILL 2412

By Lollar

AN ACT to amend Tennessee Code Annotated, Title 3;  
Title 23; Title 49; Title 56 and Title 63, relative to  
procedures affecting professional licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-210, is amended by deleting the  
language:

Such rules and regulations shall provide for notice and a hearing to determine the  
amount of the debt, whether the debt is delinquent or in default on any repayment or  
service obligation, whether the debtor has entered into a payment plan or service  
obligation approved by the guarantee agency, is willing to enter into a payment plan or  
service obligation plan approved by TSAC or the guarantee agency or is eligible for  
deferment or forbearance. TSAC shall notify the supreme court or the licensing agency  
if the debtor is delinquent or in default, or if the debtor, without good cause, fails to  
respond to the notice of intent to file an order seeking the suspension, denial or  
revocation of the debtor's license, fails to timely request a hearing, or fails to appear at a  
scheduled hearing.

and substituting instead the language:

Such rules and regulations shall provide for notice and a hearing to determine the  
amount of the debt; whether the debt is delinquent or in default on any repayment or  
service obligation; whether the debtor has entered into a payment plan or service  
obligation approved by the guarantee agency, is willing to enter into a payment plan or  
service obligation plan approved by TSAC or the guarantee agency, or is eligible for  
deferment or forbearance; and whether the debtor has experienced a medical hardship

that prevented the debtor from working. Except as provided in subsection (b), TSAC shall notify the supreme court or the licensing agency if the debtor is delinquent or in default, or if the debtor, without good cause, fails to respond to the notice of intent to file an order seeking the suspension, denial, or revocation of the debtor's license; fails to timely request a hearing; or fails to appear at a scheduled hearing.

SECTION 2. Tennessee Code Annotated, Section 49-4-210, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b) TSAC shall, by rule, establish criteria that permit a debtor to retain a license when the debtor's default or delinquency is the result of a medical hardship that prevented the debtor from working in the debtor's licensed field and the medical hardship significantly contributed to the default or delinquency. TSAC shall not issue a final determination of delinquency or default to the supreme court or a licensing agency for a debtor who meets the criteria established pursuant to this subsection (b).

SECTION 3. Tennessee Code Annotated, Section 3-6-309, is amended by designating the language in subsection (b) as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2) Notwithstanding subdivision (b)(1), the commission shall not suspend, deny, or revoke the registration of a lobbyist if TSAC or the guarantee agency determines that the lobbyist meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 4. Tennessee Code Annotated, Section 3-6-309, is amended by adding the following as a new subdivision (c)(2)(C)(v):

(v) Whether the debtor meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 5. Tennessee Code Annotated, Section 23-3-111, is amended by adding the following at the end of the section:

The supreme court is further encouraged to establish guidelines that would not suspend, deny, or revoke the license of an attorney if TSAC or the guarantee agency

determines that the attorney meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 6. Tennessee Code Annotated, Section 49-5-108, is amended by designating the language in subdivision (d)(2) as subdivision (d)(2)(A) and adding the following as a new subdivision (d)(2)(B):

(B) Notwithstanding subdivision (d)(2)(A), the state board of education shall not suspend, deny, or revoke the license or certificate of a teacher if TSAC or the guarantee agency determines that the teacher meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 7. Tennessee Code Annotated, Section 49-7-2125, is amended by designating the language in subsection (b) as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2) Notwithstanding subdivision (b)(1), the secretary of state shall not suspend, deny, or revoke the registration of an athlete agent or applicant if TSAC or the guarantee agency determines that the athlete agent meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 8. Tennessee Code Annotated, Section 49-7-2125, is amended by adding the following as a new subdivision (c)(2)(C)(v):

(v) Whether the debtor meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 9. Tennessee Code Annotated, Section 56-1-109, is amended by designating the language in subsection (b) as subdivision (b)(1) and adding the following as a new subdivision (b)(2):

(2) Notwithstanding subdivision (b)(1), a licensing authority shall not suspend, deny, or revoke the license of a person if TSAC or the guarantee agency determines that the person meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 10. Tennessee Code Annotated, Section 56-1-109, is amended by adding the following as a new subdivision (c)(2)(C)(v):

(v) Whether the debtor meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 11. Tennessee Code Annotated, Section 56-1-312, is amended by designating the language in subsection (a) as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) Notwithstanding subdivision (a)(1), a licensing authority shall not suspend, deny, or revoke the license of a person if TSAC or the guarantee agency determines that the person meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 12. Tennessee Code Annotated, Section 56-1-312, is amended by adding the following as a new subdivision (b)(2)(C)(iv):

(iv) Whether the debtor meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 13. Tennessee Code Annotated, Section 63-1-141, is amended by designating the language in subsection (a) as subdivision (a)(1) and adding the following as a new subdivision (a)(2):

(2) Notwithstanding subdivision (a)(1), a licensing authority shall not suspend, deny, or revoke the license of a person if TSAC or the guarantee agency determines that the person meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 14. Tennessee Code Annotated, Section 63-1-141, is amended by adding the following as a new subdivision (b)(2)(C)(iv):

(iv) Whether the debtor meets the medical hardship criteria established pursuant to § 49-4-210(b).

SECTION 15. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.